

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**NOTICE OF CORRESPONDENCE REGARDING THREE HUNDRED EIGHTY-
SECOND OMNIBUS OBJECTION (SUBSTANTIVE) OF THE COMMONWEALTH OF
PUERTO RICO AND THE EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO
EMPLOYEE CLAIMS ASSERTING LIABILITIES OWED BY
ENTITIES THAT ARE NOT TITLE III DEBTORS**

To the Honorable United States District Judge Laura Taylor Swain:

1. On August 20, 2021, the Commonwealth of Puerto Rico (the “Commonwealth”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² filed the *Three Hundred Eighty-Second Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Employee Claims Asserting Liabilities Owed by Entities that Are Not Title III Debtors* [ECF No. 17920] (the “Three Hundred Eighty-Second Omnibus Objection”).

2. The Three Hundred Eighty-Second Omnibus Objection seeks to disallow claims associated with allegedly unpaid wages or other employment benefits purportedly owed by entities that are not Title III debtors, each as listed on Exhibit A thereto (the “Claims to Be Disallowed”). Each of the Claims to Be Disallowed fail to comply with the applicable rules, however, because they do not provide a basis for asserting a claim against the Commonwealth or any other Title III Debtor for liabilities purportedly owed by entities that are not Title III debtors.

3. The Debtors have received correspondence from:

- Maria Enid Roca Troche (“Roca Troche”), attached hereto as Exhibit “A” (the “Roca Troche Response”), regarding Proof of Claim No. 178337 (the “Roca Troche Claim”); and,
- Jacqueline Rosado Colón (“Rosado Colón”), attached hereto as Exhibit “B” (the “Rosado Colón Response,” and together with the Roca Troche Response, the “Reponses”), regarding Proof of Claim No. 178406 (the “Rosado Colón Claim,” and together with the Roca Troche Claim, the “Claims”).

Certified English translations of the Roca Troche Response and the Rosado Colón Response are attached hereto as Exhibits “A-1,” and “B-1,” respectively.

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

I. The Roca Troche Response

4. The Roca Troche Claim was filed on July 26, 2020. It asserts liabilities in the amount of \$4,800 associated with allegedly accrued, but unpaid, wages purportedly owed by the Puerto Rico Telephone Company. It also appears to assert liabilities associated with Roca Troche's right to receive her pension. Because a portion of the Roca Troche Claim appeared to assert pension liabilities, that portion of the claim was transferred into the administrative claims reconciliation process ("ACR") for resolution.

5. The Roca Troche Response consists of copies of letters sent by the Puerto Rico Fiscal Agency and Financial Advisory Authority seeking additional information regarding the portion of the Roca Troche Claim that was transferred into ACR, together with certain pages from the Three Hundred Eighty-Second Omnibus Objection. Further, the Roca Troche Response states that "Puerto Rico Telephone Comp. was a government agency when the Promesa Law (El Romerazo) was passed and, therefore, I deem that I qualify for this claim."

6. The Puerto Rico Telephone Company ("PRTC"), however, is not a Title III Debtor. Rather, the PRTC was a former government entity which has subsequently been privatized and, accordingly, is no longer in existence. Neither the Roca Troche Response nor the Roca Troche Claim provides a valid basis for asserting a claim against the Commonwealth or any other Title III Debtor in respect of allegedly accrued but unpaid wages purportedly owed by the PRTC. Accordingly, the Roca Troche Claim should be partially disallowed.

II. The Rosado Colón Response

7. The Rosado Colón Claim was filed on June 16, 2020. It asserts liabilities in the amount of \$4,800 associated with allegedly accrued, but unpaid, wages purportedly owed by the Puerto Rico Telephone Company. It also appears to assert liabilities associated with Rosado

Colón's right to receive her pension. Because a portion of the Rosado Colón Claim appeared to assert pension liabilities, that portion of the claim was transferred into the ACR process for resolution and assigned Proof of Claim No. 178406-1 for tracking purposes. Proof of Claim No. 178406-1 has since been resolved in ACR.

8. The Rosado Colón Response consists of a handwritten letter. Therein, Rosado Colón states: "I am entitled to bring a claim during the period in which we belonged to the government when working for the Puerto Rico Telephone Company from 12/05/1988. Claim for money owed for laws that were passed which apply to me for my years of service as a Service Representative III for the PRTC of the Commonwealth of PR." Rosado Colón Response at 1. As explained above and in the Three Hundred Eighty-Second Omnibus Objection, the PRTC is not a Title III Debtor, but a former government entity which has subsequently been privatized and, accordingly, is no longer in existence. Neither the Rosado Colón Response nor the Rosado Colón Claim provide a basis for asserting a claim against the Commonwealth or any other Title III Debtor in respect of allegedly accrued but unpaid wages purportedly owed by the PRTC. Accordingly, the Rosado Colón Claim should be disallowed.

9. For the foregoing reasons, the Debtors respectfully request that the Court grant the Three Hundred Eighty-Second Omnibus Objection and disallow the Claims, notwithstanding the Responses.

Dated: February 2, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

USDC No. 215205

Carla García Benítez

USDC No. 203708

O'NEILL & BORGES LLC

250 Muñoz Rivera Ave., Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

/s/ Brian S. Rosen

Martin J. Bienenstock (*pro hac vice*)

Brian S. Rosen (*pro hac vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

*Attorneys for the Financial Oversight and
Management Board as representative for the
Commonwealth and ERS*